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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/534,564

05/09/2005

Rangel Paulo Gerais De Camargo

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EXAMINER

ST CLAIR, ANDREW D

ART UNIT

PAPER NUMBER

3709

MAIL DATE

DELIVERY MODE

08/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/534,564

Applicant(s)

CAMARGO, RANGEL PAULO
GERAIS DE

Examiner

Andrew StClair

Art Unit

3709

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. *The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.* The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The disclosure is objected to because of the following informalities: multiple grammatical and spelling errors throughout, and interchanging use of numbers and terminology. The number of such errors in the specification precludes a comprehensive list being included herein. Appropriate correction is required.

Oath/Declaration

3. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to *patentability* as defined in 37 CFR 1.56.

Claim Objections

4. Claims 6-7, and 10-25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner notes that although claims 6-7 and 10-25 have not been examined on the merits, claims 6-7 and 10-25 depend from claim 1 and are therefore inherently indefinite.

7. Claim 1 is indefinite because the claim as recited fails to make clear what structure is claimed. Lines 14-15 recite “having further closing of bottom caps;” it is unclear whether this language recites a functional limitation or a structural limitation. Line 16 recites “and being engaged in an longitudinal latche;” it is unclear what of the above claimed structure this refers to. Line 17 recites “having holes which are fitted to te devices to be fixed thereto;” it is unclear what structural limitations such holes have without specifying which devices are fixed thereto. Line 19 recites “Constructing means for fixing the irradiation element to the process via support tube (4);” it is unclear what is affixed to the irradiation element, and whether the claim seeks to impermissibly claim an apparatus and a process. Lines 21-23 recite “Constructing means for

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housing, feeding, and combustible gas (G) distribution in the flexible refractory ceramic (15) modules (7);” it is unclear what is housed or fed, and generally what structure this limitation refers to. Lines 24-26 recite “Mechanical means of pressurized sealing air admission (AS) in the mirror (E1) of the bed (2), pressurization of the inner cavity of the equipment, cooling the UV system and provide a venturi effect of the oxygen measuring means;” it is unclear whether applicant is claiming the pressurization of the inner cavity, the means of pressurizing, a means of cooling, a restricted tube for measuring a venturi effect, or oxygen measuring means; moreover, “the oxygen measuring means” lacks proper antecedent basis unless it is used interchangeably with other recited structure, which would also be indefinite. Lines 27-29 recite “Constructing means for side mouting and sealing (17) of the flexfveis refratoric ceramic (15) of the modules (7) and fixation of the ceramic thin housings (16) with elastomer (17);” it is unclear what structure this language refers to, and it appears that the claims recite a language other than English; the meaning of the word “fixation” within the claim is unclear; both “ceramic thin housing” and “elastomer” lack antecedent basis. Lines 30-31 recite “The flexible refractory ceramic (15) is maleable and have a porous feature related to the fibrous mass;” it is unclear whether applicant seeks to claim a physical property of a ceramic or whether applicant limits the structure to only those ceramics which are malleable and fibrous, or whether applicant seeks to claim some porous feature of the ceramic; moreover, element (15) is referred to as “flexible refractory ceramic,” “flexiveis refratoric ceramic,” and “flexible refractory ceramic,” which is indefinite. Lines 1-2 of page 16 recite “Monitoring device of the thermal flow direction of the modules (7) by using sensors (14);” it is unclear whether this is a functional or structural claim

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limitation, whether applicant intends to measure temperature, fluid flow rate, or flow direction, and whether the measurements are taken of the modules, or fluid flowing through the modules.

8. Claim 2 is indefinite because the claim as recited fails to make clear what structure is claimed. Lines 8-9 recite “the metallic sides” lacks antecedent basis, unless it is used interchangeably with the recitation in claim 1 of “upper metallic plates,” also numbered (LS), which would also be indefinite.

9. Claim 3 is indefinite because the claim as recited fails to make clear what structure is claimed. Line 14 recites “two set of thermal flow sensors (14),” it is unclear whether this is used interchangeably with the recitation in claim 2 of “sensors (14).” Most of the structure in claim 3 also lacks antecedent basis.

10. Claim 5 is indefinite because the claim as recited fails to make clear what structure is claimed. Line 28 recites “positioned in relation to the surface called base (8);” it is unclear what positional relationship is intended in this limitation.

11. Claim 8 is indefinite because the claim as recited fails to make clear what structure is claimed. Line 4 recites “holes (12a) of th screen (12) have circular dimensions or other suited dimensions,” if this claim recites any dimensional limitation it is unclear, if it does not state any dimensional limitation it fails to further limit the claim from which it depends.

12. Claim 9 is indefinite because the claim as recited fails to make clear what structure is claimed. Lines 5-7 recite “thermal flow sensors (14) overpass the screen (12) until effect a deep contact to the ceramic (15) where the sensors are fixed in one position under the line (Y);” it is unclear what structural limitation is intended by “overpass the screen (12) until effect a deep contact to the ceramic.”

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13. With respect to the above claims, the foregoing is not intended to be a comprehensive list of problems. Much of the structure lacks antecedent basis and there are grammatical errors throughout. These problems are compounded by applicants interchanging use of terms and numbers.

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 1-5, and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Treleven (US 5,010,659).

Despite the above rejections for indefiniteness, the claims are addressed to the fullest extent possible. Treleven appears to disclose the claimed structure, as best it could be discerned; Treleven discloses an infrared drying system 10 with a metallic frame 128, drying modules 12, metal plates 170 with holes 112, and several sensors (col. 2, ln. 5-10).

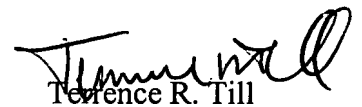
Conclusion

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew St. Clair whose telephone number is 571-272-3700. The examiner can normally be reached on Monday through Thursday, 8-5 Eastern Standard Time.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrence Till can be reached on 571-272-1280. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Terrence R. Till
Supervisory Patent Examiner



ADS
8/20/2007